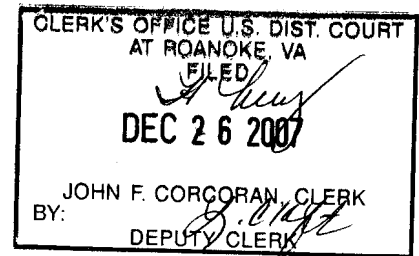


IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
HARRISONBURG DIVISION



JANNIE M. GREIMAN,

Plaintiff,

v.

MICHAEL J. ASTRUE,
Commissioner of Social Security,

Defendant.

Civil Action No. 5:06CV00109

MEMORANDUM OPINION

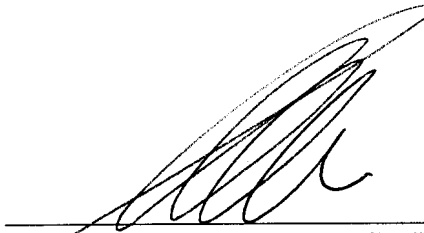
By: Samuel G. Wilson
United States District Judge

Plaintiff Jannie M. Greiman brings this action challenging the final decision of the Commissioner of Social Security denying Greiman's claim for disability insurance benefits under the Social Security Act. Jurisdiction of this court is established pursuant to 42 U.S.C. § 405 (g). An Administrative Law Judge (ALJ) found that Greiman did not have medically determinable impairment "that met or medically equaled the requirements of any section of Appendix 1, Subpart P., Regulation No. 4" before the expiration of her insured status on December 31, 1998, and that she had "at least the residual functional capacity to perform light work," as well as past relevant work, as of that date. The Commissioner of Social Security adopted that opinion as her final decision. The United States Magistrate Judge has a filed a report pursuant to 28 U.S.C. § 636 (b)(1)(B) recommending that the court affirm that decision. Greiman objects to the report, noting the ALJ's rejection of the opinion of Greiman's treating physician. The court adopts that report and recommendation and writes simply to emphasize the court's view that it was well within the province of the ALJ to reject the opinion of a treating physician who neither saw nor treated Greiman until more than six years after Greiman's insured status had expired. Under the circumstances, that treating physician was in no better position to render an opinion concerning

Greiman's medical condition more than six years before he examined her than were the consulting medical experts who reviewed her medical records.

Accordingly, the court will enter judgment for the Commissioner.

ENTER: This 26th day of December 2007.


UNITED STATES DISTRICT JUDGE